

13 CSR 35-73.035. Staff Qualifications and Requirements

PURPOSE: This rule sets forth the requirements for personnel practices, including staff qualifications, contract personnel, caseload size, and nonpaid staff.

(1) *Employee Qualifications.* The agency shall employ staff who are qualified by education, training, and experience for their assigned responsibilities. A current employee who has qualified for a position under the previous rule and is serving in that position shall be exempt from meeting any increased requirements defined by these rules. **Each individual associated with the agency who is required to submit to a Background Check pursuant to §210.493 RSMo and 13 CSR 35-71.015 must also successfully complete the Background Check and is found eligible by the Division for employment or presence at the licensed child placing agency.**

(2) *Administrative Personnel.*

(A) The agency shall employ staff to perform administrative, supervisory, social service, and direct care functions which may be combined only upon the approval of the governing board.

(B) Staff members shall meet the requirements for each function, for direct and nondirect care functions, when such functions are combined as approved by the governing board.

(C) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

1. A master's degree in social work, counseling, social work administration, or a related human service degree from an accredited school and three (3) years' experience in the management or supervision of child placing or residential care personnel and programs; or

2. A bachelor's degree in social work or a human service area of study from an accredited school and five (5) years' experience in the management or supervision of child placing or residential care personnel and programs; or

3. If the administrator is responsible only for administrative functions such as personnel and fiscal matters and is not responsible for direct supervision of the programs and services of the agency, the agency may then employ an administrator who has a bachelor's degree from an accredited school and two (2) year's experience in child placing or residential care services. However, in this case, the agency shall employ a person, responsible for the direct supervision of the agency's services, who meets the qualifications set forth in 13 CSR 35-73.035(2)(C)1. or 2.

(D) The administrator's responsibilities include:

1. Developing, implementing, and maintaining policies and procedures for program and fiscal operation under the direction of the governing board **and compliance with all applicable requirements of federal and state law,**

including the Background Check and eligibility requirements of §210.493 RSMo and 13 CSR 35-71.015;

2. Keeping the governing board informed of the program and management of the agency;

3. Interpreting and implementing recognized standards for child welfare services;

4. Ensuring that the agency achieves and maintains compliance with the requirements of the licensing rules;

5. Employing, evaluating and discharging staff members, in accordance with the agency's established personnel policies; and

6. Ensuring the maintenance of current client's records and statistics.

(E) When the position of administrator is vacated, the governing board shall within five (5) working days submit a plan for interim management to the division for approval. The plan is to include:

1. Provisions for recruitment of a permanent administrator;

2. The name of the designee and his/her qualifications; and

3. His/her responsibilities.

(F) The administrator shall designate in writing a qualified staff person to be in charge when s/he is absent.

(G) Administrators are required to submit to a Background Check pursuant to §210.493 RSMo and 13 CSR 35-71.015 successfully completes the Background Check and is found eligible by the Division for employment or presence at the licensed child placing agency.

(3) Supervisor of Placement Services.

(A) In an agency where the administrator operates primarily in an administrative capacity and is not directly involved in child placing activities, a person shall be employed as supervisor of placement services.

1. A supervisor of placement services employed after the effective date of these rules shall have one (1) of the following:

a [A]. A master's degree in social work or a human service area of study from an accredited school plus three (3) years experience in child placing services; or

b[B]. A bachelor's degree in social work or a human service area of study from an accredited school plus five (5) years experience in child placing services and possess a current license as a clinical social worker in the state of Missouri.

2. A supervisor of placement services responsibilities include:

a[A]. The supervision, management, training, and evaluation of all professional staff, students, and consultants involved in placement services;

b[B]. The supervision of volunteers whose work involves direct contact with clients;

c[C]. The approval of decisions regarding family and child eligibility for service, maternity and child care, transportation and placement arrangements, finalization, and any other changes in the child's legal status; and

d[D]. The implementation of the agency's adoption program(s) and services, and recommendations regarding changes to the program.

3. When the position of supervisor of placement services is vacated, the agency shall submit a plan within five (5) working days for interim supervision to the division. The plan is to include:

a [A]. Provisions for recruitment of a permanent supervisor of placement services;

b[B]. The name of the designee and his/her qualifications; and

c[C]. His/her responsibilities.

(B) Supervisors of Placement Services are required to submit to a Background Check pursuant to §210.493 RSMo and 13 CSR 35-71.015 successfully completes the Background Check and is found eligible by the Division for employment or presence at the licensed child placing agency.

(4) Professional Personnel.

(A) An agency shall obtain any professional services required for the implementation of the individual service plan of a child when these services are not available from staff.

1. An agency shall arrange or make appropriate referrals for medical, legal, psychiatric, psychological, or other professional services to birth parents, children, or foster and adoptive parents, as necessary.

2. The agency shall not require clients to use medical, legal, psychological, psychiatric, or other consultants used by the agency. The agency may use consultants and/or persons selected by agency clients. The agency can reserve the right to request a second opinion from a neutral source.

(B) Professional staff who perform social work tasks, counseling with children and their families, therapeutic services, or planning of services for children and their families, shall have a master's degree in social work, psychology, counseling, or a closely related clinical field from an accredited college **or university**. Professional staff may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if s/he is under the direct supervision of a qualified supervisor of placement services (13 CSR 35-73.035(3)).

(C) Full- or part-time professional staff including psychologists, psychiatrists, social workers, counselors, physicians, teachers, and nurses, shall meet the licensing or certification requirements of their profession in Missouri.

(D) The agency shall designate a supervisor for professional staff when six (6) or more professional staff are employed. The supervisor shall have at least three (3) years clinical experience. Supervision of contracted employees shall constitute part of the supervisor's work load.

(E) Professional Personnel are required to submit to a Background Check pursuant to §210.493 RSMo and 13 CSR 35-71.015 successfully completes the Background Check and is found eligible by the Division for employment or presence at the licensed child placing agency.

(5) Contracted Personnel.

(A) An agency assumes responsibility for work performed by a contracted person when such services are performed under the auspices of said agency.

(B) All official child placing activities and written documentation shall be processed through the child placing agency.

(C) All contracted personnel must meet the staff qualifications for the position they are being contracted to fill.

(D) Supervision of all contracted personnel must be provided by a qualified supervisor of placement services from that agency.

(E) A file shall be maintained for each contracted personnel which includes:

1. A copy of the signed contract;
2. Verification of education and experience;
3. Verification of character references from three (3) persons, unrelated to the staff member;
4. Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;
5. A copy of the job description signed by the contractor;
6. Reports of initial and subsequent biennial physical examinations;
7. Results of annual checks of the Child Abuse and Neglect Central Registry Unit (CA/N CRU) Checks;
8. Copies of an annual performance evaluation;
9. **Documentation that each individual associated with the agency who is required to submit to a Background Check pursuant to §210.493 RSMo and 13 CSR 35-71.015 successfully completes the Background Check and is found**

eligible by the Division for employment or presence at the licensed child placing agency. [Results of the annual criminal records check]; and

10. Documentation of orientation and annual staff training.

(F) Caseload sizes shall be proportionate to the number of hours worked on a monthly basis.

(G) Contracted personnel shall not collect fees from clients unless authorized by the contract with the agency.

(6) *Students and Interns.*

(A) **Interns**, [G]graduate or undergraduate students in a field work placement at the agency shall be subject to the general personnel policies of the agency, but shall not be considered or used as substitutes for employed staff. A written plan for using students will include:

1. A plan for the selection, orientation, training, assignment and evaluation of students;
2. A description of what services the student is responsible for and what arrangement the agency has for supervising the students;
3. A signed statement of their understanding of confidentiality;
4. A copy of the written plan shall be given to each student, his/her school, and to the supervising staff members; and
5. A plan for coverage of caseload in student's absence.

(B) Interns, Graduate Students and Students are required to submit to a Background Check pursuant to §210.493 RSMo and 13 CSR 35-71.015 successfully completes the Background Check and is found eligible by the Division for employment or presence at the licensed child placing agency.

(7) *Clerical Staff* [Shall Be Employed as Needed].

(A) Clerical staff shall not supervise or assist in the care of children without being qualified according to these rules.

(B) Clerical staff shall sign a statement of their understanding of confidentiality.

(C) Clerical Staff are required to submit to a Background Check pursuant to §210.493 RSMo and 13 CSR 35-71.015 successfully completes the Background Check and is found eligible by the Division for employment or presence at the licensed child placing agency.

(8) An agency shall not be wholly dependent upon the use of volunteers to ensure the provision of services. If an agency uses volunteers as part of its program of services, the agency shall have written policies which include:

- (A) A description of the agency's purposes and goals;
 - (B) A job description for the director of volunteers and for each category of volunteers;
 - (C) A differentiation of functions and activities appropriate for paid staff members and volunteers;
 - (D) A process for screening and selecting volunteers, who have direct contact with children similar to that used for paid staff members;
 - (E) A defined line of supervision, with written expectations of the supervisor and the volunteers;
 - (F) Orientation and training in the volunteers' specified roles;
 - (G) Procedures for monitoring and evaluating volunteer activities;
 - (H) Maintaining a file for each volunteer, who works directly with children including applications, verification of CA/N CRU and [criminal records] **Background** [c]Checks, and task assignments and annual evaluations;
 - (I) Procedures for observing professional ethics and confidentiality **of records and information**;
 - (J) Procedures for reimbursement of travel and other expenses; and
 - (K) Procedures for handling conflicts between paid staff members and volunteers.
- (9) Cases to be counted in the agency caseload are--
- (A) Children in agency custody including children for whom any court jurisdiction has been entered who are still waiting a final order;
 - (B) Children not in the custody of the agency, but who are being supervised in a foster or adoptive home, group home, or institution; and
 - (C) The agency shall have at least one (1) professional staff for every--
 - 1. Twenty (20) children in alternative care;
 - 2. Thirty-five (35) children under postplacement supervision;
 - 3. Thirty (30) active adoptive or birth families; or
 - 4. A reasonable combination thereof.

Credits

AUTHORITY: [sections 207.020, 210.493, 210.506, 210.1286](#) and [660.017, RSMo](#) [2016].*

* Original authority: [207.020, RSMo 1945](#), amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and [660.017, RSMo 1993](#), amended 1995.

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